

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

CARIDAD ST. GERMAIN,

Docket No.: 07 CIV 3766 (BATTIS)

Plaintiff,

- against -

AFFIDAVIT OF SERVICE

OTTO FERMIN,

Defendant.

-----X

STATE OF NEW YORK:

COUNTY OF NEW YORK ss:

JUAN DELGADO BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION AND OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on May 24, 2007 at 01:00 PM at

607 WEST 180TH STREET APT 41
NEW YORK, NEW YORK 10033

deponent served the within true copy/copies of the SUMMONS & VERIFIED COMPLAINT on OTTO FERMIN, the defendant/respondent therein named.

SUITABLE by delivering thereat a true copy/copies of each to MRS. CARMEN PENA a
ACE person of suitable age and discretion. Said premises is the defendant's/respondent's dwelling house within the state. She identified herself as the STEP-MOTHER of the defendant/respondent.

Deponent further states that he describes the person actually served as follows:

<u>Sex</u>	<u>Skin Color</u>	<u>Hair Color</u>	<u>Age (Approx.)</u>	<u>Height (Approx.)</u>	<u>Weight (Approx)</u>
<u>FEMALE</u>	<u>WHITE</u>	<u>BLACK</u>	<u>52</u>	<u>5'4"</u>	<u>152</u>

MAILING Deponent enclosed a true copy of same in a postpaid wrapper properly addressed to defendant/respondent at defendant's/respondent's last known residence at

607 WEST 180TH STREET APT 41
NEW YORK, NEW YORK 10033

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on May 25, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside envelope thereof, by return address or otherwise that the communication is from an attorney or concerns an action against the party to be served.

MILITARY Person spoken to was asked whether the defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers Civil Relief Act.

/s/ JUAN DELGADO
License #: 916273

Sworn to me on: May 25, 2007
Robin M. Forman
Notary Public, State of New York
No. 01F06125415
Qualified in New York County
Commission Expires April 18, 2009

Certification

I, Michael S. Kafer, am the attorney fully familiar with the facts and circumstances of the above-entitled matter. I certify that the attached affidavit of service was signed by JUAN DELGADO and notarized by Robin M. Forman on May 25, 2007 and that the original signed and notarized affidavit of service is contained in my file and available for inspection upon request.

Dated: New York, New York
May 29, 2007

MICHAEL S. KAHER (MSK-3618)